



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing dealt with an application by the landlord to end the tenancy early. The landlord participated in the teleconference hearing, but the tenant did not.

The landlord submitted evidence to establish that he sent the tenant the application for dispute resolution and notice of hearing by registered mail on October 24, 2013. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on October 25, 2013, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Should the tenancy be ended early?

Background and Evidence

The tenancy began on August 10, 2013. The rental unit is a condo in a strata building.

The landlord stated that since the tenancy began, the strata has issued four letters for strata bylaw infractions by the tenant or the tenant's guests. Two of the letters, dated September 6, 2013 and September 16, 2013, involved noise complaints. The third letter, dated September 18, 2013, was issued because the tenant was storing rubbish on the unit balcony, contrary to the bylaws.

The final letter, dated October 1, 2013, addressed an incident where the tenant and/or guests of the tenant broke into at least 20 storage lockers in the building. The RCMP attended, and one person was arrested. Drug paraphernalia was left in the locker rooms around the same time frame as the break in. Another occupant in the building reported that numerous people appeared to be living in the rental unit, and had been using and

selling drugs. The landlord stated that as soon as he was informed of this incident, he attempted to contact the tenant. However, she has been unreachable since that date.

Analysis

Based on the landlord's undisputed evidence, I find that it is appropriate to end the tenancy early. I accept the evidence before me that the tenant and/or guests of the tenant have been involved in illegal activities including breaking into storage lockers and using drugs, in such a way that the other occupants of the building are put at unacceptable risk. Further, it is concerning that since this incident the tenant has not been responding to the landlord. Therefore, under section 56 of the Act, I order the tenancy ended immediately, and I grant the landlord an order of possession. As the landlord's application was successful, he is also entitled to recovery of the \$50 filing fee for the cost of this application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I further grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 8, 2013

Residential Tenancy Branch

